

October 26, 2015

Via ECF and Fax (212) 805-7927

The Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Imbruce et al. v. American Arbitration Association, Inc.*
Case No. 15-cv-7508 (NRB)

Dear Judge Buchwald:


We represent the plaintiffs in the above referenced action, and hereby respond to the pre-motion conference letter, dated October 16, 2015 (ECF No. 8) (the “Letter”), of defendant American Arbitration Association, Inc. (“defendant”).

Plaintiffs respectfully submit that the Court should not grant the defendant’s intended motion to dismiss. Defendant relies on inapposite authority and, frankly, misses the point. Plaintiff’s action is not a collateral attack on the arbitration administered by the defendant. Instead, it concerns defendant’s wrongful and egregious conduct occurring *after* the arbitral process had ended, *i.e.*, after the arbitral award was delivered to the parties. The authority relied on by defendant, *Corey v. New York Stock Exch.*, 691 F.2d 1205 (6th Cir. 1982) and *Global Gold Mining LLC v. Robanson*, 533 F.Supp.2d 442 (S.D.N.Y. 2008), does not apply here because the doctrine of arbitral immunity was applied in those cases to conduct allegedly occurring *during* (not after, as plaintiffs allege here) the arbitral process. Thus, defendant’s intended motion to dismiss is not likely to succeed.

As a precursor to the filing of a motion to dismiss, however, the plaintiffs request entry of a preliminary scheduling order so that the plaintiffs could amend their complaint, dated September 23, 2015 (ECF No. 1), and a briefing schedule for a motion to dismiss could be set. Plaintiffs propose to amend their complaint by December 4, 2015. Lastly, the plaintiffs have forwarded a request for waiver of the service of the summons to defendant. *See* Letter at 1 n.1.

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Gora", is written on a light yellow rectangular background.

Richard Gora

Cc: Counsel of record (via ECF)